

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FRED LEE and ANNE LEE,

Plaintiffs,

Case No.: 1:20-cv-03191 – MKB-PK

vs.

**DECLARATION IN OPPOSITION
TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

UNION MUTUAL FIRE INSURANCE COMPANY,

Defendant.

I, SCOTT E. AGULNICK, hereby declare, under penalty of perjury, as follows:

1. I am a Principal of the law firm Greenblatt Agulnick Kremin P.C. and am counsel for Plaintiff in this action. As such, I am familiar with the documents and circumstances in this matter, and make this declaration based on the files maintained by my office.

2. I submit this declaration in opposition to Defendant Union Mutual Insurance Company's summary judgment motion.

3. Attached as **Exhibit A** is Plaintiff Fred Lee's Affidavit dated October 20, 2021.

4. Attached as **Exhibit B** is the transcript of the April 27, 2021 deposition of Plaintiff Fred Lee.

5. Attached as **Exhibit C** is the 2017 Inspection Report prepared by Roundhill Express.

6. Attached as **Exhibit D** is the transcript of the May 4, 2021 deposition of Mr. James Lambert.

7. Attached as **Exhibit E** is the Program Managers Agreement between Roundhill Express LLC and Union Mutual Fire Insurance Company.

8. Attached as **Exhibit F** is Union Mutual Insurance Company's 2017 Inspection Report for the Plaintiffs' property located at 39-11 27th Street, Long Island City, New York.

9. Attached as **Exhibit G** is the transcript of the June 24, 2021 deposition of Frederick Harper.

10. Attached as **Exhibit H** is the policy binder for the insurance policy issued by Union Mutual to Plaintiffs, Policy Number 314PK-49300-01.

11. For the reasons explained in the accompanying memorandum of law, Union Mutual Insurance Company's summary judgment motion should be denied in its entirety and the court should declare that the Policy is not rescinded.

Date: Great Neck, New York
November 19, 2021

Respectfully Submitted,

By: /s/
Scott E. Agulnick (SA1880)

GREENBLATT AGULNICK KREMIN P.C.
55 Northern Boulevard, Suite 302
Great Neck, New York 11021
Tel: (718) 352-4800
Email: sagulnick@GAKlawfirm.com

Attorneys for Plaintiffs